

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.5168 OF 2000

SANCHAYANI SAVINGS INVESTMENT(I) LTD. & ORS.

Appellant (s)

VERSUS

STATE OF WEST BENGAL & ORS.

Respondent(s)

(With appln(s) for directions, intervention, impleading party,  
permission to submit additional documents, clarification/modification of Court's  
order and exemption from filing O.T.)

Item No.1 of the 17th Status Report  
Item No.4(a) of the 17th Status Report  
Item No.4(b) of the 17th Status Report  
Item No.4(c) of the 17th Status Report  
Item No.5 of the 17th Status Report  
Item No.6(a) of the 17th Status Report  
Item No.6(b) of the 17th Status Report  
Item No.6(c) of the 17th Status Report  
Item No.6(d) of the 17th Status Report  
Item No.6(e) of the 17th Status Report  
Item No.7 of the 17th Status Report  
18th Status Report  
19th Status Report  
20th Status Report  
21st Status Report  
22nd Status Report  
23rd Status Report

With Cont. Pet. (C) No.389 of 2004 in Civil Appeal No.5168 of 2000  
(With appln.(s) for permission to submit additional documents and office report)

Date: 06/05/2008 These Matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s) Mr. Anoop G. Chaudhary, Sr. Adv.  
In CA 5168/2000: Ms. June Chaudhari, Sr. Adv.  
Mr. Ashish Sethi, Adv.  
Mr. Ugra Shankar Prasad, Adv.

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In Cont. Pet.: Mr. Sanjay Bansal, Adv.  
Mr. G.K. Bansal, Adv.

For Respondent(s) Mr. Deba Prasad Mukherjee, Adv.

Mr. Rana Mukherjee, Adv.  
Mr. J. Kar, Adv.  
Mr. Siddharth Gautam, Adv.  
Mr. Goodwill Indeevar, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. Ramesh Babu M.R.,Adv.  
Ms. Manisha Singh,Adv.  
Mr. Srinjoy Banerjee,Adv.  
Ms. Swati Setia,Adv.  
  
Mr. Sanjay Bansal,Adv.  
Mr. Deepak Kausal,Adv.  
Mr. Ashu Bhatia,Adv.  
Mr. G.K. Bansal,Adv.  
  
Ms. Indra Sawhney,Adv.  
  
Mr. S.N. Bhat,Adv.  
  
Mr. Abhishth Kumar,Adv.  
  
Mr. Ajit Kumar Pande,Adv.  
  
Mr. Prashant Kumar,Adv.  
  
Mr. Mukesh K. Giri,Adv.  
  
Mr. Vishwajit Singh,Adv.  
  
Mr. Varinder Kumar Sharma,Adv.  
  
Mr. Ashiesh Kumar,Adv.  
  
Mr. Rajesh Srivastava,Adv.  
  
Mr. Ajay Choudhary,Adv.  
  
Ms. Indu Malhotra,Sr.Adv.  
Mr. S.G. Kale,Adv.  
Ms. A. Sumathi,Adv.  
Mr. Kashi Vishweshwar,Adv.  
  
Mr. A.N. Bardiyar,Adv.

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Mr. B.B. Sawhney,Sr.Adv.  
Mr. C.K. Sasi,Adv.

Mr. G.S. Chatterjee,Adv.

M/s. Suresh A. Shroff & Co.,Advs.

Mr. B.S. Banthia,Adv.  
Mr. Vikas Upadhyay,Adv.

Mr. Arun K. Sinha,Adv.

Mr. C.L. Sahu,Adv.

Mr. Ugra Shankar Prasad,Adv.

Mr. P.V. Dinesh,Adv.

Mr. Shivaji M. Jadhav,Adv.

Mr. V.N. Raghupathy,Adv.

Mr. Harish Dangre,Adv.  
Mr. Gaurav Agrawal,Adv.

Mr. Lakshmi Raman Singh,Adv.

Ms. Sharmila Upadhyay, Adv.

Mr. Pijush K. Roy, Adv.

Mr. S.K. Verma, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Ms. Nanita Sharma, Adv.

Mr. Manish Pitale, Adv.

Mr. C.S. Ashri, Adv.

Ms. Suruchi Aggarwal, Adv.

Mr. M.P. Vinod, Adv.

Mr. Pranab Kumar Mullick, Adv.

Mr. Sanjay Jain, Adv.

Mr. Chiraranjan Addy, Adv.

Mr. Pravin Kumar, Adv.

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Mr. Kailash Vasdev, Sr. Adv.

Mr. Rauf Rahim, Adv.

Mr. Shubhayu Roy, Adv.

Mr. Awani Roy, Adv.

Mr. M.N. Rao, Sr. Adv.

Mr. Harish Dangre, Adv.

Mr. C.S. Ashri, Adv.

Mr. Manish Pitale, Adv.

Mr. I.J. Damle, Adv.

Mr. M.N. Rao, Sr. Adv.

Mr. Harish Dangre, Adv.

Mr. Pavan Kumar, Adv.

Mr. Harish Dangre, Adv.

Mr. Rajeev Ranjan Rajesh, Adv.

Mr. Pavan Kumar, Adv.

Mr. S.T. Madhani, Adv.

Mr. Manish Pitale, Adv.

Mr. R.K. Sharma, Adv.

Mr. S.T. Madhani, Adv.

Mr. Manish Pitale, Adv.

Ms. Abha R. Sharma, Adv.

Mr. D.N. Goburdhun, Adv.

Ms. Pinky Anand, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Manish Pitale, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. Dip Narayan Mitra, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. S. Balaji, Adv.

Mr. Junaid Shabwany, Adv.

Mr. S.R. Sharma, Adv.

Ms. Madhusmita Bora, Adv.

Mr. R.R. Rajesh, Adv.

Mr. R.P. Singh, Adv.

Mr. S. Balaji, Adv.

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UPON hearing counsel the Court made the following  
ORDER

TWENTY THIRD STATUS REPORT:

Item Nos.1, 2 and 3:

In relation to these items, the bidders have submitted their offer under sealed cover but none of them is present today. The Registry is directed to intimate the bidders for their appearance in court on 15 th July, 2008 on which date the matter shall be placed.

Item Nos.4 and 5:

It has been stated that no offer has been received from anybody pursuant to the advertisement.  
Let the properties be advertised afresh.

Item No.6:

The bid amount has been already deposited on behalf of the bidder. It has been stated that the company is ready to pay a sum of Rupees thirty thousand by way of clearance charge within two weeks. Let it be so done. The sale deed shall be executed and registered only upon payment of the said amount and thereupon possession shall be delivered to the bidder without any loss of time. So far as the claim of developer is concerned, he is permitted to lodge a claim before the Special Officer, who shall, after considering the same, submit a report to this court on the next date.

Place the matter on 15th July, 2008.

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Item No.7:

It has been stated that twenty seven persons, whose names have been enumerated in Annexure 'G' of the 18 th Status Report, have not paid the full consideration amount.

Issue notice to the aforesaid persons on their addresses being furnished by the Special Officer within one week.

Place the matter on 15th July, 2008.

Item No.8:

It has been brought to our notice by the Special Officer that properties belonging to the appellant at different places in Nagpur, Khandwa (Madhya Pradesh), and Pune (Maharashtra) are being encroached upon. The properties concerned are as follows:

(i) Property situated at Plot No.56, measuring 5610 sq. ft. in the layout of Central Excise Employees' Cooperative

Housing Society Ltd., Chhatrapati Nagar, Nagpur.

(ii) Property situated at Indraprastha Complex, 1st Floor, Station Road, Khandwa, Madhya Pradesh (Under Khandwa City Police Station).

(iii) Property situated at Flat No.13, Madhu Manjari Apartment, 3rd Floor, Law College Road, Pune, Maharashtra (Under Decan Gymkhana P.S. Pune).

We direct the concerned Deputy Superintendents of Police and District Magistrates to take necessary steps for removal of structures etc., on these properties. The concerned authorities shall report compliance of this order within eight weeks. The Special Officer is authorised to produce a certified copy of the order

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before the concerned authorities which shall be sufficient warrant to the authorities to take appropriate action.

Place the matter on 15th July, 2008.

Item No.9:

Having perused the report and heard the Special Officer, we enhance the salary of the Special Officer as enumerated in order dated 6th February, 2004 from Rs.25,000/- per month to Rs.50,000/- per month. To this extent only, the said order stands modified.

Item No.10:

Six weeks' time is allowed to the Company to file response on affidavit.

Place the matter on 15th July, 2008.

Item No.11:

By order dated 6th February, 2004, it was directed that before proceeding to invite the sealed tenders, the Special Officer shall get the properties valued through an approved valuer, who may be appointed in consultation with the Registrar General of the High Court concerned. We are of the view that the Registrar Generals of the High Courts may not have the list of approved valuers. The Special Officer may get in touch with the Institute of Valuer and find out therefrom the approved Valuer for the concerned area.

Item No.12:

Compliance report is noted down.

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I.A. No.46:

This application has been filed on behalf of Savitridevi Khattumal Harchandani, for deletion of Plot Nos.12, 13 and 14 in Civil Station Expansion Scheme, NIT, Khasara Nos.37, 38, 39 and 41 of Mouza Khamla Layout, Tehsil and District Nagpur, from the list of immovable properties furnished on behalf of the appellant-Company as belonging to it. The Special Officer, in his affidavit, stated that he was treating these properties as of appellant-Company mainly because the same were mentioned in the list of properties of the appellant submitted by it. On behalf of the Company its Director-in-Charge has filed an affidavit duly sworn on 10th February, 2008, wherein he has stated specifically that the appellant-Company had no concerned whatsoever with these properties and they have been erroneously included in the list of properties belonging to

the appellant-Company; as such, he has no objection from deletion of these properties from the said list. In view of these facts, it is directed that the aforesaid properties shall be deleted from the list of immovable properties submitted along with the Tenth Status Report.

Interlocutory Application No.46 stands disposed of.

I.A. No.48:

This application has been filed on behalf of Link House Industries Limited (earlier Link House Commercials Limited) for deletion of Plot Nos.22 and 23 in Civil Station Expansion Scheme, NIT, Khasra Nos. 37, 38, 39 and 41 of Mouza Khamla

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Layout, Tehsil and District Nagpur, from the list of immovable properties furnished on behalf of the appellant-Company as belonging to it. The Special Officer, in his affidavit, stated that he was treating these properties as of appellant-Company mainly because the same were mentioned in the list of properties of the appellant submitted by it. On behalf of the Company its Director-in-Charge has filed an affidavit duly sworn on 10 th February, 2008, wherein he has stated specifically that the appellant-Company had no concerned whatsoever with these properties and they have been erroneously included in the list of properties belonging to the appellant-Company; as such, he has no objection from deletion of these properties from the said list. In view of these facts, it is directed that the aforesaid properties shall be deleted from the list of immovable properties submitted along with the Tenth Status Report.

Interlocutory Application No.48 stands disposed of.

I.A. No. (Application for directions by Jyotirmoy Mazumdar):

Four weeks' time is allowed to file additional affidavit.

Place the matter on 15th July, 2008.

I.A. No.52:

Heard learned counsel for the parties.

In our view, it is not possible to grant any relief to the applicant.

Interlocutory Application No.52 of 2006 is, accordingly, dismissed.

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I.A. Nos.58-59:

Four weeks' time is allowed to file additional affidavit.

Place the matter on 15th July, 2008.

I.A. No.61:

Heard learned counsel for the parties.

After some arguments, learned counsel appearing on behalf of the applicant-Sapnidhi Developers Pvt. Ltd., is permitted to withdraw this application with liberty to the applicant to avail such other remedy as is available under law.

Interlocutory Application No.61 of 2007 stands, accordingly, disposed of.

I.A. No.64:

Heard the learned counsel.

After some arguments, learned counsel appearing on behalf of the applicant is permitted to withdraw this application with liberty to the applicant to avail such remedy as is permissible to him under law, notwithstanding any observation in the order dated 7th September, 2006.

The interlocutory application is, accordingly, disposed of.

I.A. No.68 for impleadment and I.A. Nos. for  
Directions:

Heard the learned counsel.

After some arguments, learned counsel appearing on behalf of the applicants is permitted to withdraw these applications with liberty to the applicants to avail such remedy as is permissible to them under law, notwithstanding any observation

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in the order dated 7th September, 2006.

The interlocutory applications are, accordingly, disposed of.

I.A. No.67:

Place the matter on 15th July, 2008.

[ T.I. Rajput ] [ Alka Dudeja ] [ Om Prakash ]  
A.R.-cum-P.S. Court Master Court Master

N.B.: Letters received by post in the instant case, which have been addressed to the Special Officer may be filed.